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| 10/007,370 | 02/19/2002 | Howard T. Marano | 2001P10727 US01 | 9274 |

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Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

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| EXAMINER |
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VAN DOREN, BETH

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| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,370

Applicant(s)

MARANO, HOWARD T.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/09/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a non-final office action in response to communications received 12/09/04. Claims 1, 5, and 8 have been amended. Claims 1-19 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to SMS's Integrated Clinical System (www.smed.com) have been considered but are moot in view of the new ground(s) of rejection.

Requirement for Information

3. In addition to the 35 USC § 102 rejections established below, additional information is required regarding the NOVIUS family of applications. Examiner acknowledges the existence of the former Shared Medical Solutions (SMS) Corporation that has become Siemen's Medical Solutions Health Services Corporation and SMS's NOVIUS product family. The articles cited below and in the previous office action indicate that SMS had already developed the product Novius prior to becoming Siemen's. Examiner further acknowledges the use of the terms "Novius" and "SMS" in the figures of the current application. Examiner requests information concerning the product NOVIUS sold by SMS prior to becoming Siemen's, specifically concerning the scheduling functions and any operating manuals or other information provided to the customers of SMS's NOVIUS. Examiner further requests information concerning Siemens' NOVIUS Scheduling ASP, discussed in the article "First Customers Up-and-Running with Siemens' NOVIUS Scheduling ASP" from PR Newswire. Specifically, when the product was under contract and sold, any operating manuals or other information provided the customers, or any public disclosures of this product prior to August 2000.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 13 recites the limitation "the plurality of circumstances". There is insufficient antecedent basis for this limitation in the claim. Based on the language in the rest of the claim, Examiner believes applicant intended this limitation to be --the plurality of occurrences--. Correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Voorhees (U.S. 2004/0039626).

7. As per claim 1, Voorhees teaches a method for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:
- a. initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different

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entities, said particular task schedule being associated with a particular entity of said corresponding different entities (See figure 8 and paragraphs 0023, 0025, 0029, 0041, and 0043-4, wherein a GUI is displayed to a user that allows the user to enter information that enacts the assigning of a task to one of the schedules managed by the system);

b. receiving decision information entered via said at least one interface menu (See figure 8 and paragraphs 0023-5 and 0043-5, wherein information is received via the interface menus);

c. applying the received decision information (See paragraphs 0023-5, 0029, and 0043-4, wherein the information is applied); and

d. assigning said task representative identifier representing a task to be performed by said particular entity to said task schedule associated with said particular entity, based on the application of the received information, in response to a predetermined event (See paragraphs 0023-5, 0029, and 0043-4, wherein an identifier of the task is assigned to the schedule of the entity based on the received information. See specifically paragraph 0029 that discloses an updating engine that automatically assigns a task to an entity's calendar when then user schedules an appointment (predetermined event)).

8. As per claim 2, Voorhees discloses wherein the step of initiating display of at least one interface menu includes initiating display of menu elements prompting a user to identify at least one of (a) the predetermined event triggering application of the decision information in assigning the task representative identifier to the task schedule, (b) a source of decision information, (c) decision information comprising a procedure for processing data associated with a task to determine a task schedule for listing the task representative identifier (See figure 4 and

paragraphs 0026, 0040, and 0043, wherein a user identifies a source of decision information (i.e. registered user with a stored profile)).

9. As per claim 3, Voorhees discloses wherein the decision information comprises a logical procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See figure 8 and paragraphs 0023, 0025, 0029, 0041, and 0043-4, wherein a GUI is displayed to a user that allows the user to enter information that enacts the assigning of a task to one of the schedules managed by the system).

10. As per claim 4, Voorhees teaches wherein the data associated with a task comprises at least one of (a) a medical procedure identifier for a scheduled procedure, (b) a time and date of performance of a medical procedure, (c) patient medical record information, (d) location of performance of a medical procedure, (e) patient type identifier, (f) patient physical characteristics (See figure 8 and paragraphs 0023-5, 0041, and 0043-4, wherein data associated with the task includes at least a date and time of the procedure and a location).

11. As per claim 5, Voorhees discloses wherein the entity comprises at least one of (a) a category of users, (b) one or more users currently designated to perform a healthcare worker role, and (c) a medical device or system (See figure 6 and paragraphs 0008-9 and 0023-4, disclosing category of users, one or more users performing healthcare roles, etc.).

12. As per claim 6, Voorhees discloses wherein:

a. decision information identifies the predetermined event (See paragraphs 0023-5, 0029, and 0043-4, wherein the decision information is used to identify the predetermined event (the scheduling of an appointment) and the system automatically assigns a task to an entity's calendar); and

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b. the predetermined event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure, (d) a user defined event based on information acquired (See figure 8 and paragraphs 0023-5, 0041, and 0043-4, wherein the scheduled appointment corresponds to at least the beginning of a medical procedure. See also 0030, wherein the appointment involves a telemedicine event).

13. As per claim 7, Voorhees discloses applying the received decision information in prioritizing a plurality of task representative identifiers associated with a particular entity in response to occurrence of a triggering event (See paragraphs 0023-5, 0029, and 0040, wherein the tasks occur in a particular order based on the user's interaction with the system).

14. As per claim 8, Voorhees teaches steps a, b, c, and d, as set forth above with regards to claim 1. Voorhees further discloses said particular task schedule being associated with a particular entity of said corresponding plurality of different entities and accessible by the particular entity (See at least paragraph 0024, wherein the doctor accesses the system and his/her schedule), the decision information including:

- i. a procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See paragraphs 0023-5, 0029, 0043-4, wherein the information is processed to identify a doctor and a doctor's schedule), and
- ii. an event for triggering application of the procedure in allocating the task representative identifier to the identified task schedule (See paragraphs 0023-5, 0029, and 0043-4, wherein an identifier of the task is allocated to the schedule of the entity based on the submission of information by the patient. See specifically paragraph 0029 that

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discloses an updating engine that is automatically triggered to allocate the task identifier to the entity's calendar).

15. Claims 9 and 10 recite equivalent limitations to claims 4 and 6, respectively, and are therefore rejected using the same art and rationale set forth above.

16. As per claim 11, Voorhees discloses acquiring the data associated with a task (See paragraphs 0022 and 0040, wherein data is acquired from the patient).

17. As per claim 12, Voorhees teaches wherein:

a. the procedure conditions allocation of the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences (See paragraphs 0023-5, 0029, and 0040); and

b. further including acquiring data to identify the coincidence of the plurality of occurrences (See paragraphs 0023-5, 0029, and 0040, wherein data is acquired to identify the coincidences, such as an appointment scheduled and occurring. See also paragraph 0029, wherein a survey is given to the patient).

18. As per claim 13, Voorhees discloses:

a. the triggering event is conditioned upon coincidence of a plurality of occurrences (See paragraphs 0023-5, 0029, and 0040); and

b. further including acquiring data to identify the coincidence of the plurality of occurrences (See paragraphs 0023-5, 0029, and 0040, wherein data is acquired to identify the coincidences, such as an appointment scheduled and occurring. See also paragraph 0029, wherein a survey is given to the patient).

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19. As per claim 14, Voorhees teaches applying the received decision information in removing a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event (See paragraphs 0024 and 0029, wherein a task is removed from an entity's schedule and the schedule is updated).

20. As per claim 15, Voorhees teaches step ai, as set forth above in the rejection of claim 1. Voorhees further teaches ii. initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to applying received decision information, in assigning said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity in response to occurrence of a predetermined event (See paragraphs 0023-5, 0029, and 0043-4, wherein an identifier of the task is assigned to the schedule of the entity based on the received information. See paragraphs 0024 and 0029, wherein updating of schedules occurs).

21. As per claim 16, Voorhees teaches the elements of claim 16, as explained above with regards to claims 8 and 15. Claim 16 is rejected using the same art and rationale set forth above.

22. As per claims 17 and 18, claims 17 and 18 recite equivalent limitations to claims 8 and 1, respectively, and are therefore rejected using the same art and rationale set forth above.

23. As per claim 19, Voorhees discloses a computer program embodied within a computer readable medium using the method of claim 1 (See figure 8 and paragraphs 0022-3, 0025, 0027, and 0043-4).

Conclusion

24. Applicant is reminded that there is a requirement for information in this office action. Failure to fully reply to this requirement for information will result in a holding of abandonment.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dahlin et al. (U.S. 2004/0122701) discloses integrating a physician workflow using a electronic record management system.

Ezzeddine et al. (U.S. 2002/0165732) discloses an interactive scheduling system that orchestrates appointments with physicians over the Internet.

Eggers et al. (U.S. 2002/0169636) discloses providing care to a patient utilizing a distributed hospital care system with stored events.

Kraftson et al. (U.S. 6,151,581) teaches patent management and a healthcare management database with interface screens.

E-Ceptionist (www.e-ceptionist.com) discloses an interface for scheduling appointments in the health care industry.

"Microsoft Teams with Technology Leaders" (PR Newswire) teaches the Novius scheduling application which schedules appointments for doctors.

"SMS Announces availability of NOVIUS Solutions" (SMS News Release) discusses the NOVIUS family of solutions that includes integrated information solutions.

"First Customers Up-and Running with Siemen's Novious ASP" (PR Newswire) discusses NOVIUS scheduling tool.

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"Delta Health Systems" (Computertalk for Homecare Providers) discusses the NOVIUS solution used to schedule caregivers.

"LanVision Systems, Inc. and Siemens Medical Solutions Health Services Announce Integration" (PR Newswire) discusses Siemen's, formerly Shared Medical Services (SMS), Novius System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 3, 2005


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600